

ATTACHMENT J-2

RESPONSE LETTERS ON NOTICE OF PREPARATION (NOP), RESPONSE LETTERS ON SUPPLEMENTAL NOP, RESPONSE LETTERS ON NOTICE OF INTENT (NOI)

RESPONSES TO THE SUPPLEMENTAL NOP

This attachment contains the following responses to the 2007 Supplemental Notice of Preparation:

Responses from Interested Parties

- California Native Plant Society (August 31, 2007, 2 pages)
- Endangered Habitats League (August 23, 2007, 1 page)
- Endangered Habitats League (August 3, 2007, 1 page)
- Friends of the Northern San Jacinto Valley (August 22, 2007, 3 pages)
- Pechanga Cultural Resources, Temecula Band of Luiseno Mission Indians (September 14, 2007, 7 pages)
- US Waste of California (represented by Sheppard Mullin Richter & Hampton) (September 12, 2007, 9 pages)
- Sierra Club (August 11, 2007, 2 pages)
- Sierra Club San Geronimo Chapter (August 28, 2007, 9 pages)
- Sprint Nextel (August 3, 2007, 1 page)
- Agua Caliente Band of Cahuilla Indians (December 10, 2007, 2 pages)

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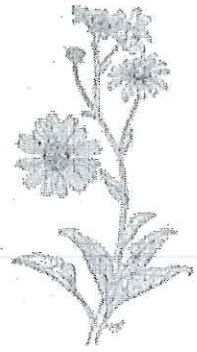
California Native Plant Society

Riverside/San Bernardino Chapter

August 31, 2007

Cathy Bechtel

Mid County Parkway Project Manager
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502-2208



RE: Comments on the NOP for the Mid County Parkway EIR.

Dear Ms. Bechtel,

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 32 chapters throughout California. The mission of the California Native Plant Society is to increase understanding and appreciation of California's native plants and to conserve them and their natural habitats, through education, science, advocacy, horticulture and land stewardship. The CNPS has been very involved in the conservation of native plants in Riverside County for years, and based on our experience, we offer the suggestions for preparation of the EIR for the Mid County Parkway Project.

The areas proposed to be traversed by Mid County Parkway are diverse in topography, underlying geology, and soil types. The underlying hydrology is also complex and numerous springs and watercourses crisscross the area. The result is a diversity of upland and wetland habitats that support a rich diversity of native plants and animals. The proposed project area is known to be rich in sensitive habitats such as Riversidean Sage Scrub and sensitive species, spanning from State and Federal Species of Concern to Federally Threatened and Federally Endangered species. The project area also houses designated habitat/wildlife reserves, including private and quasi-public core reserves for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP) which could be negatively impacted by the development of a parkway, especially in those areas that currently have no public roads. The project area supports populations of rare plants such as Munz' onion, many-stemmed dudleya, California chocolate lily, large-leaved filaree, Coulter's goldfields, and rare/sensitive animals, such as California gnatcatcher, Stephen's Kangaroo Rat, bobcat, mountain lion, burrowing owl, least Bell's vireo, and southern willow flycatcher. The Mid County Parkway alternatives, such as Alternative 9, that traverse through or adjacent to boundaries of conserved lands and open space are likely to be more destructive to habitat and sensitive species of plants and animals than other alternatives. The EIR needs to fully address both the direct, indirect, and cumulative impacts of construction and use phases of the Mid County Parkway alternatives.

Roads through wildlands are known to increase fire frequency, illegal dumping, off-road vehicle use, nitrogen deposition, weed dispersal, light pollution, and death of animals. It is important that each alternative be studied thoroughly for impacts to conserved habitat, critical habitat, and the dispersal corridors between habitat areas that are critical to the long-term sustainability of populations. The change in hydrology should also be considered. Changes in ground water level and flow can seriously impact plant communities and the wildlife that depend on plants.

Focused surveys of all sensitive species shown in the California Natural Diversity Database for this area should be done within MSHCP criteria cells, core reserves, and other reserves that could be impacted both directly and indirectly by the project. Fragmentation of habitat and blocking of dispersal corridors can impinge on the viability of populations and the effectiveness of existing HCP's. There should be a rigorous analysis how population viability could be affected by the projected reduction in dispersal capabilities of plants and animals.

The potential impacts to research and study areas that have a history of providing information critical to conservation of habitats and species also needs to be done. Reserves that are used for teaching and research are extremely valuable. The University of California Motte Rimrock Reserve and its programs could be severely impacted by Alternative 9.

Thank you for the opportunity to provide these comments. We request that the EIR address these issues and provide for an alternative that minimizes the destruction of preserved natural communities and habitat connectivity. Preservation of core reserves and dispersal corridors is critical to the sustainability of wild populations of plants and animals. We also request that creative solutions be examined to mitigate impacts, including the use of large flyways and bridges that allow free and safe movement of wildlife. If you have questions, please contact me at montalvo@ucr.edu or 951.781.7346.

Sincerely,



Arlee Montalvo, PhD
Conservation Committee Chair
California Native Plant Society
Riverside/San Bernardino Chapter
4477 Picacho Drive
Riverside, CA 92507

cc: Marion Ashley
County Supervisor, District 5
County Administrative Center
4080 Lemon Street - 5th Floor
Riverside, California 92501

Bob Buster,
County Supervisor, District 1
County Administrative Center
4080 Lemon Street - 5th Floor
Riverside, California 92501

Tom Mullen
Director
Western Riverside County
Regional Conservation Authority
4080 Lemon Street, Twelfth floor
Riverside, CA 92501

P2302

81512 CB, MM,

GQ

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



August 23, 2007

RECEIVED
AUG 27 2007

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

Cathy Bechtel
Riverside County Transportation Commission
PO Box 12008
Riverside, CA 92502-2208

**RE: Supplemental NOP for the Mid County Parkway Project –
ADDITIONAL COMMENTS**

Dear Ms. Bechtel:

The Endangered Habitats League appreciates the opportunity to provide additional comment on this project.

Multimodal transportation should be an integral part of the planning, design, and construction on this project. Specifically, the facility should accommodate immediate or future bus rapid transit (BRT) lanes, as well as potential rail lines. Connections should be anticipated within Riverside County and regionally with systems in Los Angeles, Orange, San Diego, and San Bernardino Counties.

Please retain EHL on all mailing, distribution, and hearing notices for this project.

Sincerely,

Dan Silver
Executive Director

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81322.CB, GQ,
MM, HS

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



August 3, 2007

Cathy Bechtel
Riverside County Transportation Commission
PO Box 12008
Riverside, CA 92502-2208

RECEIVED
AUG 09 2007

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

RE: Supplemental NOP for the Mid County Parkway Project

Dear Ms. ^{Cathy}Bechtel:

The Endangered Habitats League appreciates the opportunity to comment on this document.

1. Environmentally superior alternatives, specifically routes north of Lake Mathews, should not be discarded prematurely for reasons of political expediency. Displacement of structures by highway construction is common historic and current practice in Southern California and is hardly infeasible. The DEIR/EIS must fully evaluate such alternatives.
2. MSHCP consistency must be assured.
3. Routes that avoid harm to important existing conservation resources like the MWD HCP Reserve should be fully evaluated. It is noteworthy that this reserve is itself mitigation for other impacts.
4. The current Riverside County circulation element, such for Cajalco Road, is not sacrosanct, and must not be wholly deferred to. Indeed, the final configuration and function of the Mid County Parkway may render parts of that projected road system obsolete or needing substantial modification. An optimal balance between habitat and transportation may require modification of the County circulation element in the next General Plan update, which is coming up in 2008.

Please retain EHL on all mailing, distribution, and hearing notices for this project.

Sincerely,

Dan Silver
Executive Director

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FROM : FRIENDS NSJV/MCKIBBEN

FAX NO. : 9099248150

Aug. 28 2007 01:09PM P1

81523 CB, GQ, MM,
HS

Fax

Name: Cathy Bechtel

Organization: Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
P.O. Box 12008
Riverside, CA 92502-2208

Fax: (951) 787-7920

Phone: (951) 787-7141

From: Ann L. Turner-McKibben, President
Friends of the Northern San Jacinto Valley

Date: August 22, 2007

Subject: Supplemental Notice of Preparation for the Draft Environmental
Impact Report/Environmental Impact Statement (EIR/EIS) for the
Mid County Parkway Project, SCH#2004111103

Pages: 3, Including cover sheet

Ann L. Turner-McKibben, President
Friends of the Northern San Jacinto Valley
P.O. Box 9097
Moreno Valley, CA 92552-9097
(951) 924-8150
e-mail: northfriends@northfriends.org

**FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
P.O. Box 9097
Moreno Valley CA 92552-9097**

August 27, 2007

Via e-mail and FAX

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
P.O. Box 12008
Riverside CA 92502-2208

Dear Ms. Bechtel:

**Re: Supplemental Notice of Preparation for the Draft Environmental Impact
Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project, SCH #
2004111103**

Our review of the July 30, 2007, Supplemental Notice of Preparation (NOP) revealed several deficiencies requiring correction in the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS). The Riverside County Transportation Commission (RCTC) prior NOP maps and project site aerial photographs, as well as those included in the Supplemental NOP, do not delineate the boundaries of significant park and wildlife conservation lands which will be impacted by the Project. It is particularly important to show the boundaries of the Multi-Species Habitat Conservation Plan (MSHCP) conservation lands at the San Jacinto Wildlife Area and the Lake Mathews MSHCP lands. The DEIR/EIS must adequately inform the public as to the relative impact the various project alternatives will have on these MSHCP conservation lands. This analysis also must demonstrate compliance with the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966, which specifies publicly-owned parks, recreation areas, wildlife and waterfowl refuges may not be used for projects that use federal funds, unless there is no feasible and prudent alternative to the use of such land.

We are also disturbed that the Supplemental NOP Table A indicates consultation and coordination with responsible and trustee agencies for the project will be deferred until identification of a "preferred alternative". Both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) require consultation/coordination with responsible and trustee agencies to be integrated into the environmental document at the earliest possible time and to the fullest extent possible. The Section 7 consultations for threatened and endangered species with the U.S. Fish and Wildlife Service, as well as the state and federal wildlife agency analysis for the MSHCP consistency determination, must be available for public review in the draft environmental document. To do otherwise will deny both the public and responsible/trustee agencies the use and benefit of the information and analysis generated as a result of the NEPA/CEQA process.

The NEPA/CEQA document also needs to include a thorough analysis of the Project's impacts on the MSHCP designated conservation lands. We are particularly concerned about the significant adverse impacts of Parkway noise and light on these sensitive wildlife habitats. Noise and light pollution

generated from the Parkway will in large measure render these lands unsuitable for many species, particularly the nocturnal Stephen's kangaroo rat. This would constitute a "Take" of this federally endangered species. Complete avoidance of noise and light intrusion on the MSHCP conservation lands is the preferred mitigation for these impacts. Should the Parkway intrude into or be situated immediately adjacent to MSHCP lands, we recommend consideration of earthen berms of sufficient stature to prevent unwanted noise and light intrusion into these sensitive wildlife conservation lands.

We also question the function and the utility of three Parkway interchanges (Reservoir, Town Center Boulevard, and Park Center Boulevard) in the northern San Jacinto Valley. These interchanges are depicted as providing both north and south ingress/egress to the proposed parkway. We are particularly concerned regarding impacts to lands north of the present Ramona Expressway as these lands are either MSHCP conservation lands or prime agricultural lands. Parkway interchanges at these locations will conflict with current land uses in the northern San Jacinto Valley and can only hasten their conversion to urban and commercial uses. The conflict of the proposed interchanges with the San Jacinto Wildlife Area conservation lands and the eventual loss of prime agricultural lands due to the proposed construction of these interchanges is a significant project impact which must be thoroughly analyzed and avoided/mitigated in the NEPA/CEQA document.

The Draft EIR/EIS needs to adequately analyze the Parkway crossing at the San Jacinto River. The utility of building a new bridge or alternative reliance on the elevation of the existing Ramona Expressway to accommodate the Parkway across the San Jacinto River floodplain (1975, Riverside County Flood Control Plan) requires specific scrutiny and analysis. In our view, it would be poor public policy to construct a costly bridge structure and then subsequently be required to construct an elevated causeway for flood control purposes, which could also accommodate the future Parkway. The desirability and environmental impacts of either or both alternative means of the crossing the river needs to be clearly disclosed in the Draft EIR/EIS.

Our final concern is that the Draft EIR/EIS give required consideration to Global Warming. Climate change and its adverse environmental impacts are accelerating rapidly. In what ways will this Project directly and cumulatively contribute to this adverse environmental impact? How will this Project mitigate for this adverse environmental impact? Clearly, alternative transportation means also need to be considered to address this problem.

The Friends' December 20, 2004 comments for the initial NOP for this Project are hereby incorporated by reference.

Thank you for the opportunity to express our concerns regarding this project. Please keep the Friends informed of all actions taken, all future public hearings, the Draft EIR/EIS and all documents regarding the planning and funding of the proposed Mid County Parkway project.

Sincerely,

Ann L. Turner McKibben

Ann L. Turner-McKibben, President
(951) 924-8150
e-mail: northfriends@northfriends.org

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PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

September 14, 2007

VIA Fax and E-Mail

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502-2208

**Re: Pechanga Tribe Comments on the Supplemental Notice of Preparation for the Draft
EIR/EIS for the Mid-County Parkway Project, SCH#200411103**

Dear Ms. Bechtel:

The Pechanga Band of Luiseño Indians (hereinafter, "Pechanga Tribe"), a federally recognized Indian tribe and sovereign government, submits these comments on the above listed Project. The Pechanga Tribe is formally requesting, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA/NEPA environmental review process for the duration of the above referenced project (the "Project"), and requests that these comments be part of the record of approval for this Project. We request that these comments also be incorporated into the record of approval for this Project as well.

**RCTC AND THE FHA MUST INCLUDE INVOLVEMENT OF AND CONSULTATION
WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL REVIEW PROCESS**

It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the project lies within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is

¹ See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments and Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments.

² See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352, 65352.3 and 65352.4

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Raymond Basquez, Sr.
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Stephanie Gordin

Monitor Supervisor:
Aurelia Maruffo

imperative that the RCTC, the FHA and any other lead or responsible agencies consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the project effects, as well as generating adequate mitigation measures.

The NOP states that NEPA is triggered by the use of federal funding for this Project. It follows therefore that the National Historic Preservation Act (16 U.S.C. §§ 470 *et. seq*) will also be triggered for this Project. The NHPA requires that a Section 106 review be performed for all Federal undertakings. (16 U.S.C. 470w(7); 36 CFR §800.16(y)).

As part of the Section 106 review process, agencies must make a "reasonable and good faith effort" at identification of historic properties within the area affected by the undertaking. (*Id.* at 800.4(b)(1)). The ACHIP and Federal Courts have determined that the process must be completed for not just the "permit area," but for the entire project area. Colorado River Indian Tribes v. Marsh (1985) 605 F. Supp. 1425.

Historic properties are defined to include archaeological sites and areas which have religious or cultural significance to Tribes. *Id.* Further, such identification efforts should include consultation with Tribes. *Id.* As discussed herein, the Pechanga Band therefore requests that appropriate assessments be made according to the Section 106 review process, and that the Pechanga Band, as a consulting party, be included on a government-to-government basis. (Executive Order 13175).

PECHANGA CULTURAL AFFILIATION TO THE PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of the Pechanga Tribe's aboriginal territory, as evidenced by the existence of at least four Luiseño place names, multiple rock art locations including pictographs and petroglyphs, quarry locations, sacred sites, villages and an extensive Luiseño artifact record within the proposed alignment boundaries and within the vicinity of the Project. The Tribe further asserts that this culturally sensitive area is affiliated specifically with the Pechanga Band of Luiseño Indians because of the Tribe's specific cultural ties to this area. Pechanga considers any resources located on this Project property to be Pechanga cultural resources.

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, none have excluded this region from their descriptions (Sparkman 1908; Kroeber 1925; White 1963; Harvey 1974; Oxendine 1983; Smith and Freers 1994), and such territory descriptions correspond almost identically with what was communicated to the Pechanga people by our elders. While historic accounts, anthropological and linguistic theories

are important in determining traditional Luiseño territory; the Pechanga Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions.

Luiseño history originates with the creation of all things at 'éxva Teméeku, known today as the City of Temecula, and dispersing out to all corners of creation (what is today known as Luiseño territory). It was at Temecula that the Luiseño god *Wuyóot* lived and taught the people, and here that he became sick, finally expiring at Lake Elsinore after visiting many of the hot springs located within Luiseño and Cahuilla territory. From Elsinore, the people spread out, establishing villages and marking their territories. The first people also became the mountains, plants, animals and heavenly bodies.

One of the Luiseño songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Montivol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors, several of which are located within the Project area. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110). Another song recounts the travels of eagle, as he searches for a place where there was no death. His travels begin at Temecula, flying north to San Bernardino, to the east, south, and west through Julian, Cuyamaca, and Palomar, and returning to Temecula (DuBois 1908). Also at this time, there was a contest between the inland or mountain people, and the people of the coast. Contests were held and races were run, one from the area near Pala up to the area of the current La Jolla reservation. Another race was held between Deer and Antelope, beginning at Temecula and ending at Mount San Gorgonio, directly through the eastern-most portion of the alignment. This race was run twice, one on level ground, through the San Jacinto Plain, and then again over the San Jacinto Mountains. The story of Táakwish and Tukupar, which is situated around the Temecula Valley, includes placenames for events from the Idyllwild area to the Glen Ivy area near Corona and the western-most portion of the alignment (Kroeber 1906).

In addition, Pechanga elders state that the Temecula/Pechanga people had usage/gathering rights, what anthropologists include in their definition of a "village territory", to an area extending from Rawson Canyon near Lake Skinner on the east, over to Lake Mathews on the northwest, down Temescal Canyon, and back to the Temecula area, which includes a portion of the Project in its boundaries. Rawson Canyon contained numerous oaks where hundreds of bushels of acorns would be collected. Further, before Lake Mathews was created, a large swamp existed where Luiseño would collect medicinal plants

Rock art is also an important element in the determination of Luiseño territorial boundaries. Throughout Luiseño territory, there are certain types of large boulders, taking the

shape of mushrooms or waves, which contain numerous small indentations, or cupules. We feel that these may be indicative of boundary markers.

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (DuBois 1908:158).

Numerous ethnographers make mention of the fact that the Luiseño were highly territorial, and that territories were marked and jealously guarded. Trespassing was cause for conflict and at times outright warfare between groups. The young were taught never to trespass on the land of others in pursuit of game or the gathering of food without permission (Sparkman 1908:190).

Other types of rock art, pictographs and petroglyphs have been documented in Luiseño territory. Typically, it would appear that there is at least one pictograph location per village site. Within the Project area, at least four places of known rock art occur.

Thus, our songs and stories, as well as academic works and recorded archaeological/cultural sites, demonstrate that the Luiseño people who occupied what we know today as Temecula, Lake Mathews, the San Jacinto Plain and the areas in between (*Tuu'uv*, *Qaxáalku*, *Páyvi* and *Hawára*) are ancestors of the present-day Pechanga Band of Luiseño Indians, and as such, Pechanga is the appropriate culturally affiliated tribe for projects that impact this geographic area.

In addition, the Pechanga Tribe has a long modern day history of involvement with Projects in the area. No only has the Pechanga Tribe been involved, but it has been given the designation of the consulting tribe or affiliated tribe on projects located in the Project vicinity, such as Boulder Springs and Gavilan Hills.

The Tribe would welcome to opportunity to meet with the RCTC to further explain and provide documentation concerning our specific cultural affiliation to lands associated with this Project.

PROJECT IMPACTS TO CULTURAL RESOURCES

The proposed Project is on land that is within the traditional territory of the Pechanga Band of Luiseño Indians. The Pechanga Band is not opposed to this development Project. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. Consequently, it follows that because this Project area and its vicinity are rich with cultural items, sacred cultural items, and possibly Native American remains, development of this Project area will have a direct and significant impact on archeological and cultural resources.

The Pechanga Tribe has already had the opportunity to participate in preliminary archaeological excavations in areas that are proposed to be impacted by the Project. The Tribe requests that we continue to be allowed to be involved and to participate in developing all monitoring and mitigation plans and measures for the duration of the Project. In addition, given the significance of the archaeological resources within the Project area, it is the position of the Pechanga Tribe that Pechanga tribal monitors continue to be required to be present during all ground-disturbing activities conducted in connection with the Project, including any archeological testing performed.

The CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5). As such, it is the position of the Pechanga Tribe that an agreement specifying appropriate treatment of inadvertent discoveries of cultural resources be executed between the Project Application/developer and the Pechanga Tribe.

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this Project.

Also, surveys and grading may reveal significant archaeological resources and sites which may be eligible for inclusion in the historic site register, and may contain human remains or sacred items. Therefore, we request that the Lead Agency commit to evaluating Project environmental impacts both to the known sites and to any cultural sites which are discovered

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

during grading, and to adopt appropriate mitigation for such sites, in consultation with the Pechanga Tribe.

PECHANGA TRIBE REQUESTS GOVERNMENT-TO-GOVERNMENT CONSULTATION

Therefore, the Pechanga Tribe officially requests government-to-government consultation with the RCTC, the FHA and all lead and responsible agencies pursuant to the Tribal Traditional Cultural Properties law and CEQA, NEPA, and NHPA for the duration of this Project. Further, the Tribe requests an in-person government-to-government consultation, as well as considering this letter part of the official record of approval for this Project.

REQUESTED MITIGATION

The following proposed mitigation measures are general cultural resources mitigation measures that the Tribe has utilized on other similar projects, and may be included in the DEIR. However, these are not our final requested mitigation measures as explained above:

1. Prior to the issuance of grading permits, the Project Applicant/Developer is required to enter into a Treatment Agreement with the Pechanga Band of Luisefño Indians. This Agreement will address the treatment and disposition of cultural resources and human remains that may be uncovered during construction as well as provisions for tribal monitors.
2. Tribal monitors from the Pechanga Band of Luisefño Indians shall be allowed to monitor all grading, excavation and ground-breaking activities, including further surveys, to be compensated by the Project Applicant/Developer. The Pechanga Tribal monitors will have the authority to temporarily stop and redirect grading activities to evaluate the significance of any archaeological resources discovered on the property, in conjunction with the archeologist and the Lead Agency.
3. If human remains are encountered, all activity shall stop and the County Coroner must be notified immediately. All activity must cease until the County coroner has determined the origin and disposition of said remains. The Coroner shall determine if the remains are prehistoric, and shall notify the State Native American Heritage Commission if applicable. Further actions shall be determined by the desires of the Most Likely Descendent.
4. The landowner agrees to relinquish ownership of all cultural resources, including all Luisefño sacred items, burial goods and all archeological artifacts that are found on the Project area to the Pechanga Band of Luisefño Indians for proper treatment and disposition.
5. All sacred sites within the Project area are to be avoided and preserved.

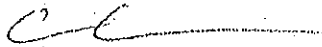
*Pechanga Cultural Resources • Temecula Band of Luisefño Mission Indians
Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the Riverside County Transportation Commission
Re: Pechanga Tribe Comments on the Mid-County Parkway Project, Supplemental NOP for the DEIR
September 14, 2007
Page 7

The Pechanga Tribe looks forward to working together with the RCTC and the FHA in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact us once you have had a chance to review these comments so that we might address the issues concerning the mitigation language. If you have any questions, please do not hesitate to contact me. Thank you for the opportunity to submit these comments.

Sincerely,



Anna M. Hoover
Cultural Analyst

cc: Pechanga Legal Department
Terri Fulton, LSA Associates

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
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Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

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Writer's Direct Line: 415-774-2972
bmoorhead@sheppardmullin.com

September 12, 2007

Our File Number: 0WBS-072938

VIA FACSIMILE AND EXPRESS MAIL

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, Third Floor
Post Office Box 12008
Riverside, California 92502-2208

RECEIVED
SEP 13 2007
RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

Re: Supplemental Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project, SCH#2004111103

Dear Ms. Bechtel:

Sheppard Mullin Richter & Hampton represents USA Waste of California, Inc. ("USA Waste"), which owns the El Sobrante Landfill ("Landfill"). On behalf of USA Waste, we appreciate the opportunity to respond to the Supplemental Notice of Preparation of a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project (dated July 31, 2007), and for the extension you granted USA Waste to respond by September 14, 2007. The Notice of Preparation ("NOP") announces that the Riverside County Transportation Commission ("RCTC") and the Federal Highway Administration ("FHWA") are preparing a project-level Draft Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") in connection with the Mid County Parkway Project ("MCP"), an east-west regional transportation facility that includes the Ramona Expressway/Cajalco Road alignment south of Lake Mathews in western Riverside County. The report is intended to satisfy the requirements of the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

As you are aware, USA Waste's primary concern is the probable environmental effects that the MCP will have on the implementation of the El Sobrante Multiple Species Habitat Conservation Plan ("El Sobrante HCP"). The MCP is likely to adversely impact the value of sensitive habitat that USA Waste successfully preserved and restored pursuant to the HCP. This and other concerns are set forth in greater detail below. We anticipate continuing this dialogue with RCTC throughout the preparation of the EIR/EIS to ensure the thorough assessment of the MCP's effects, and the elimination or mitigation of significant impacts on the El Sobrante HCP.

Ms. Cathy Bechtel
September 11, 2007
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I. EL SOBRANTE HCP

The El Sobrante HCP covers land located within the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP") Conservation Area, but its activities are governed by its own approved HCP. (See Attachment 1: Regional Location Map.) The lands covered are referred to as the HCP Plan Area, which is comprised of the Landfill and Undisturbed Open Space (referred to in this letter as the "Preserve"). The Landfill Area measures approximately 645 acres. Once it is closed, the Landfill will be restored to Riversidian sage scrub habitat according to the El Sobrante HCP. The Undisturbed Open Space, or Preserve, totals approximately 688 acres. (See Attachment 2: HCP Plan Area.)

The HCP covers two federally or state listed species, specifically the Stephens' kangaroo rat (*Dipodomys stephensi*) and the California gnatcatcher (*Poliophtila californica californica*). In addition, the HCP covers twenty-nine other plant or animal species, including the Many-stemmed dudleya (*Dudleya multicaulis*). If any of these species become listed, incidental take of the species would be authorized under the incidental take permits. Covered activities include site preparation and landfill construction, waste management operations, closing and capping the landfill, maintenance and monitoring of the site, post-closure monitoring and maintenance, and HCP implementation.

The U.S. Fish & Wildlife Service ("Service") issued incidental take permits under Section 10 of the Endangered Species Act for the El Sobrante HCP on July 24, 2001. The California Department of Fish & Game ("Department") also issued Section 2081 permits in August 2001 pursuant to the California Fish & Game Code. The permits cover an 80-year time period, covering 50 years of operation of the Landfill followed by 30 years of continued monitoring of preserved and restored habitat. At the end of the 80-year term, approximately 1,305 acres will be permanently conserved as protected species habitat.

USA Waste, the Service, the Department, and Riverside County entered into the HCP Implementation Agreement (dated July 2001) ("Agreement"). Under Section 7.1 of the Agreement, the County must "accept the Dedication Lands subject to a Conservation Easement which shall be reserved in favor of a Designated Grantee for mitigation under the HCP for Covered Activities." Additionally, the Agreement requires the County to cooperate with the management measures provided for in the Conservation Easement.

USA Waste placed conservation easements and recorded grant deeds in favor of the County over the Preserve lands. Paragraph 4 of the grant deed recorded as No. 079492 on February 13, 2002 states:

[The County of Riverside] hereby covenants and agrees, for itself and its successors and assigns that Grantee and such successors and assigns shall not take any action or cause any action inconsistent with the terms of the Permits or take any action or cause an action to be

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taken that would in any way impede Grantor's ability to carry out the terms of the Permits.

The breach of this covenant would grant USA Waste the right to exercise all its rights and remedies and maintain any actions to enforce the curing of the breach, subject to Paragraph 4.5 of the Implementing Agreement. Under Paragraph 4.5, the County is required indemnify USA Waste in connection with "physical damages to any property, resulting from any willful act or omission of the County, its agents and employees occurring on or about the Plan Area."

II. PROBABLE ENVIRONMENTAL EFFECTS FOR REVIEW

A. Biological Resources

The NOP states that consistency with applicable HCPs will be addressed in the EIR/EIS. It appears that all of the proposed alternatives are inconsistent with the El Sobrante HCP in that they impact the existing Preserve either directly or indirectly. In fact, the NOP acknowledges that the inconsistencies of the MCP alternatives with the El Sobrante HCP may require an amendment of the HCP, for which approval from the Service and the Department would be required. The EIR/EIS must evaluate the effects of these inconsistencies on implementation of the El Sobrante HCP, any effects of CEQA mitigation measures that might result from amending the HCP, and any provision of off-setting mitigation that might be necessary to compensate for mitigation land lost as a result of the MCP.

Section 17.2.2 of the Implementation Agreement requires amendments for all changes not originally contemplated or not otherwise agreed to by the Service, the Department, and USA Waste to be minor modifications. Section 17.2.1 requires that amendments to an HCP "follow the same process followed for the original HCP certification." This lengthy process may include public notice and potential additional environmental review, depending on the nature and scope of the amendment. Not only could an amendment trigger a new review and approval process, but it would potentially expose USA Waste to opposition and possible legal challenges from conservation groups who might oppose amendment.

Appendix G of the CEQA Guidelines, Environmental Checklist Form, identifies "[c]onflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Plan, or other approved local, regional, or state conservation plan" as a threshold of significance. Consistency with the El Sobrante HCP should be adopted or otherwise used as a significance criterion in evaluating the impacts of the MCP.

Under all of the alternatives, the MCP would conflict with and result in significant effects either directly or indirectly on the HCP. Alternative 9 poses the most significant impact by directly impacting and fragmenting the El Sobrante Preserve. These effects must be thoroughly examined in the EIR/EIS. USA Waste favors any alternative that poses no direct or indirect impacts to the Preserve. Fragmentation of the Preserve should be avoided as an activity that is inconsistent with the purposes of the conservation easements.

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In particular, the fragmentation of the dudleya restoration site that could result from Alternative 9, depending on the alignment, is of concern. The HCP required that these restoration sites be of "suitable size so that dudleya patch size and distribution will be similar to the impact site." Dudleya restoration has been successful with 30,000 to 60,000 plants in the Preserve. USA Waste favors an alternative that would avoid all direct and indirect effects to the Preserve, and ask that such an alternative be included in the EIR/EIS.

The effect of increased vehicle emissions to protected species and habitats is another potential impact of the MCP. Nitrogen deposition from vehicles and other sources tend to be destructive to serpentine habitat as well as to other sensitive aquatic and terrestrial species habitats. The Northern red diamond rattlesnake (*Crotalus ruber ruber*) is one of seven amphibian or reptile species covered by the El Sobrante HCP. These impacts should be evaluated in addition to the other air quality impacts resulting from the MCP which potentially affect Landfill operations as noted below.

In addition to the direct effects on the HCP Preserve, indirect effects resulting from the close proximity of the corridor will make managing the Preserve more challenging and expensive. Currently the HCP is not designed to address the invasive elements (i.e., weeds, trash), light or noise that the roadway would bring. In addition, we are concerned that the close proximity of high speed vehicles to the undisturbed Preserve will increase the likelihood of fires. Based on these potential impacts, the MCP might undermine the effectiveness of the El Sobrante HCP. Appropriate mitigation measures for these impacts should be identified and included in the EIR/EIS.

B. Geology and Soils

The MCP alternatives are in close proximity to the landfill's limit of disturbance. The southernmost alternative in particular is located closest to the northernmost edge of the limits of grading for the Landfill. This proximity may cause a risk of water discharge or flooding from the corridor into the Landfill's limit of disturbance. The intrusion of water into the limits of grading could require additional drainage structures and modifications to the planned footprint of the Landfill, a significant effect.

The current landfill design did not anticipate additional water discharge from the proposed impervious MCP surface or potential impacts to groundwater quality resulting from impacted storm water. Ditches have been designed and constructed where needed along the perimeter of the Landfill to intercept storm water run-on prior to contact with the refuse column. These potential impacts on the Landfill's limit of disturbance and potential impacts to the groundwater monitoring network should be examined under all alternatives, where applicable, and appropriate mitigation measures identified.

C. Air Quality

USA Waste requests that the MCP's study of air quality includes the Landfill. The EIR/EIS should address the increase in vehicles and mitigate the resultant air quality impacts along

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the corridor so as not to trigger the Landfill's air quality mitigation measures and thereby adversely impact the Landfill's operation and construction activities. (See Attachment 3: Mitigation Measure AQ-11.) The effects of increased levels of NO₂ could directly conflict with operation of the Landfill. The significance of all project-related pollutant emissions must be considered. Therefore, these potential effects to the Landfill operations should be considered, and appropriate mitigation measures identified in the EIR/EIS to ensure that the MCP does not impinge on the Landfill's ability to meet its mitigation requirements.

D. Transportation/Traffic

The Project will negatively impact flow on Interstate 15 ("I-15"), which currently operates at Level of Service F. USA Waste has agreed with Riverside County to have all of the county waste management transfer trucks use only I-15 as the access corridor to the Landfill. Increased traffic due to the MCP will impact Landfill truck trips and Landfill operations. This impact should be analyzed in the EIR/EIS, and appropriate mitigation measures should be identified to ensure no direct conflict with Landfill operations.

E. Visual

The Landfill operates 24 hours a day, has night-time lighting, and will be within the view shed of corridor users. The MCP's effect and compatibility with this operation should be assessed in the EIR/EIS and mitigation identified, where appropriate, to ensure the MCP will not impair the long-term operation of the Landfill.

III. ALTERNATIVES TO BE REVIEWED

Of the proposed alternatives, Alternative 9 would have the greatest impact on the El Sobrante Preserve. It would directly impact a minimum of approximately 20 acres of the Preserve set aside for preservation of native plant and animal species. Alternative 1A, the No Project/No Action alternative, would be preferable to any alternative that impacts the Preserve or the Landfill.

The NOP states that Alternatives 2 and 3 have been removed from consideration due to "engineering feasibility issues." Each of these alternatives provided for a parkway north of Lake Mathews. These alternatives would pose no direct impacts and potentially less indirect impact to the Landfill and the Preserve areas for the El Sobrante HCP. USA Waste requests that northern alternatives be studied in detail under this EIR/EIS. In addition, a more southerly alternative that avoids all impacts to the Landfill should be considered. No such alternatives are now proposed to be studied in this EIR/EIS. Including these alternatives would comport with CEQA and NEPA requirements to examine alternatives that would reduce or eliminate significant environmental effects of the MCP.

As discussed above, impacts to the area must be thoroughly analyzed in the EIR/EIS, with appropriate mitigation identified for those alternatives that would impact the Preserve. Mitigation would include, among other measures, potential amendment of the HCP to ensure MCP

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impacts to the Preserve are off-set. This measure could result in additional review and potential legal challenges.

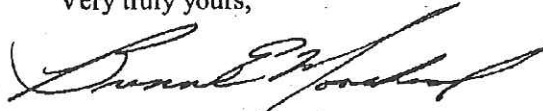
IV. CONCLUSION

We appreciate the opportunity to comment on the NOP. We request that you thoroughly review each of these concerns in the EIR/EIS and address significant impacts to the El Sobrante Landfill or Preserve with appropriate off-setting mitigation measures.

If the County chooses a preferred alternative that requires amendment of the HCP as a necessary mitigation measure, USA Waste would seek indemnification from the County for any potential lawsuits and for loss of profits resulting from amending the HCP pursuant to the El Sobrante grant deeds and the Implementation Agreement.

On behalf of USA Waste, we look forward to discussing these issues with you further. Please do not hesitate to contact us if you require information regarding the nature and scope of these potentially significant adverse impacts. Mr. Damon De Frates of USA Waste is the contact person. He can be reached at 951-277-5103 and all correspondence regarding the MCP should be sent to him at USA Waste of California, Inc., El Sobrante Landfill, 10910 Dawson Canyon Road, Corona, CA 92883.

Very truly yours,



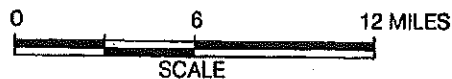
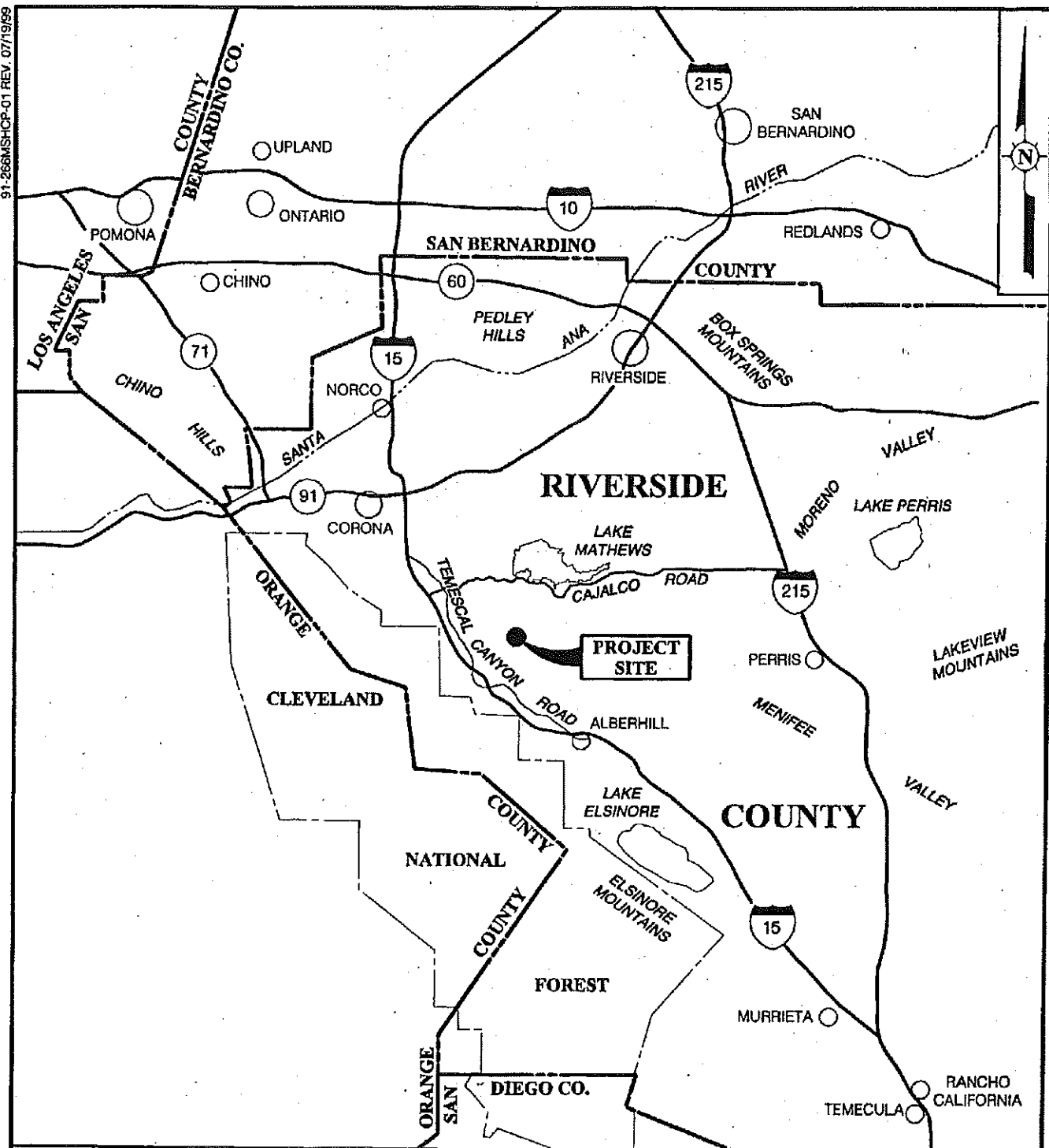
Brenna E. Moorhead

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5BM1\400422039.3

Attachments

cc: Supervisor Bob Buster, Riverside County Board of Supervisors, 1st District
Damon De Frates, USA Waste of California, Inc.
Lily Quiora, Waste Management, Inc.
Robert J. Uram, Sheppard Mullin Richter & Hampton LLP

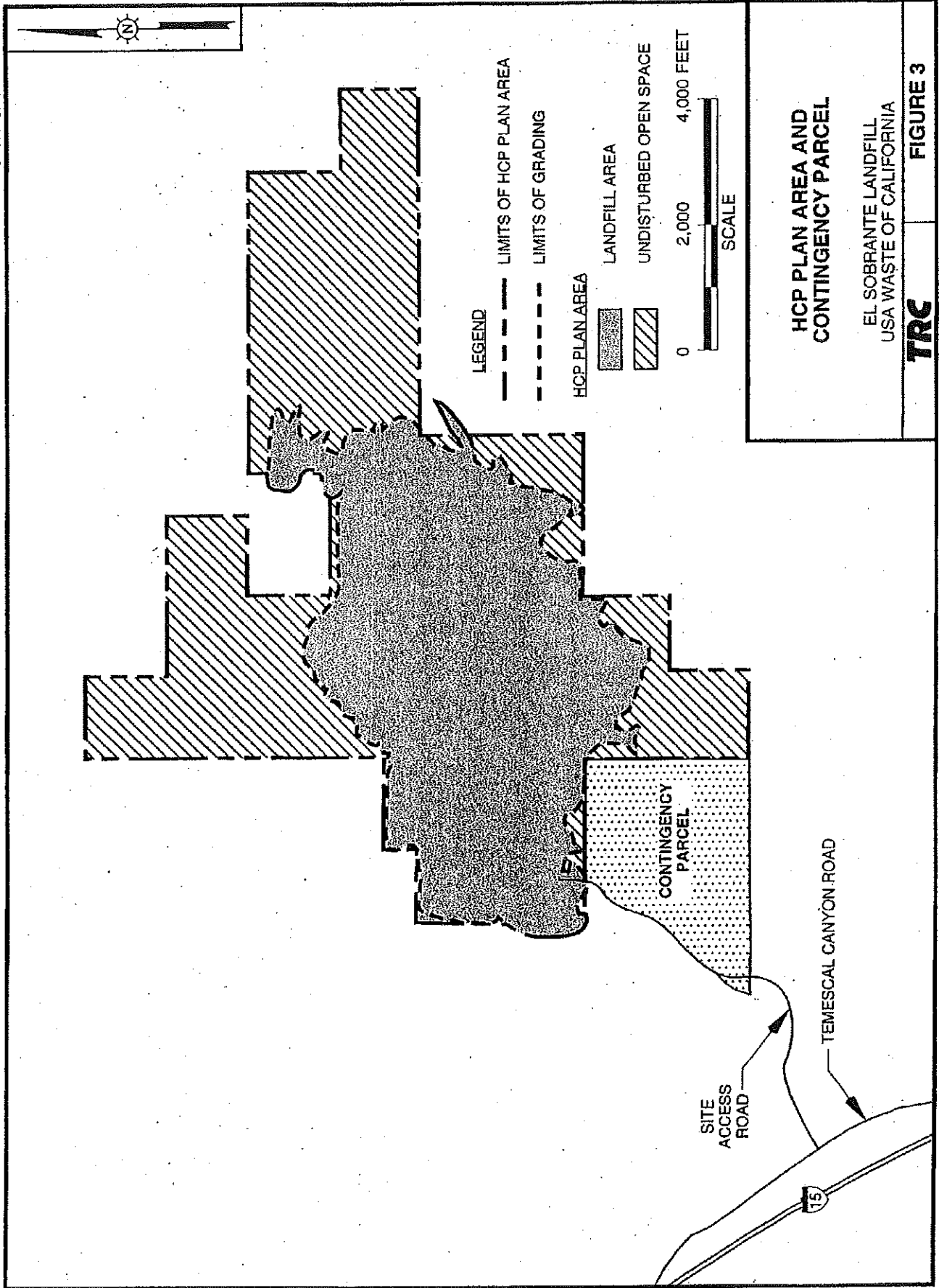


REGIONAL LOCATION MAP

EL SOBRANTE LANDFILL
WASTE MANAGEMENT, INC.

TRC

FIGURE 1.1



AIR QUALITY

MITIGATION MEASURE

AQ-11

Prior to construction and construction/operation activities, the following premonitoring measures shall be implemented to avoid or lessen boundary concentrations of NO₂: (Board of Supervisors)

- Normal landfill operations and cell construction/closure activities shall be preplanned to avoid potentially adverse alignments (both horizontally and vertically) during anticipated periods of meteorological conditions which could result in the greatest property boundary concentration.
- During periods when both disposal and construction activities are occurring, downwind property line monitoring of NO₂ shall be implemented for wind and stability conditions which could result in the highest boundary concentrations.

During construction and construction/operation activities, the following postmonitoring measures shall be implemented to avoid or lessen boundary concentrations of NO₂: (Board of Supervisors)

- If monitoring determines that the 1-hour NO₂ standard (i.e., 470 µg/m³) is being approached (i.e., within 95 percent of the standard or approximately 450 µg/m³), construction or cell closure activities shall be curtailed until the appropriate tiered mitigation measures can be implemented, or until adverse meteorological conditions no longer exist.
- The waste placement and/or clay preparation areas shall be moved to a preplanned alternative working location to separate emissions from clay placement construction emissions.
- Construction procedures shall be configured such that operations requiring heavy equipment do not occur simultaneously (e.g., clay placement and protective soil placement by scrapers will not be done during periods with adverse meteorological conditions).
- Construction scheduling will be slowed to reduce daily equipment usage.
- Hours of construction with designated pieces of equipment (e.g., scrapers) shall be constrained to occur outside of peak adverse meteorological conditions.

RESPONSIBLE AGENCIES:

LEA, SCAQMD

IMPLEMENTATION AND TIMING:

- A. LEA and SCAQMD to review inspection reports prepared by USA Waste upon agency discretion.
- B. LEA and SCAQMD to conduct onsite inspection during construction and through landfill operation upon agency discretion.

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RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

August 11, 2007

Ms. Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street
Riverside, CA 92502

Re: Supplemental Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project, SCH#2004111103

Dear Ms Bechtel

Thank you for the opportunity to comment on the Supplemental NOP.

The Sierra Club must oppose the proposed Mid County Parkway Project for three reasons

First, the MCP would be a new heavily traveled highway encouraging auto commuting and urban sprawl in an era in which we face a grave threat to our civilization - global warming (GW). The State of California has joined most of the developed world in accepting the reality of this threat, and new highways delay the changes in California necessary to combat this menace. As you know, scientists overwhelmingly urge rapid reductions in greenhouse gas emissions to prevent the planet from passing the tipping point at which GW becomes a catastrophic runaway process about which humankind can do nothing. Global warming and attendant climate change threatens Riverside County's long-term water supply and will bring increased frequency and severity of fire to the county. Changes in climate will put public health at risk through heat-related illnesses and the possible spread of infectious diseases. Riverside County's decision makers have a legal obligation to consider whether the MCP is contributing to global warming, which is bringing global environmental change unprecedented for modern human beings.

With this in mind, we believe the RCTC owes the residents of Riverside County, the State and the planet an effort to do its utmost to cease "business as usual" and begin to address congestion in ways that are designed to minimize the need for commuting by auto in the first place. Southern California transportation agencies have built freeway after freeway for decades to relieve congestion only to see it increase year after year. A combination of land use planning designed to attract employers to Riverside County's advantages rather than the reverse, coupled with a 21st century transit system where necessary, must be the approach that California's transportation agencies now embrace.

Second, although the NOP does not suggest this, another RCTC publication, "On the move", shows a "Proposed Corridor B Toll" through the Santa Ana Mountains from the I-15 near the MCP junction to the junction between the 133 and 241 toll roads in Orange County. The Sierra Club has opposed any new corridor through the mountains of the Cleveland National Forest because of the damage it would bring to the forest and its wildlife. We point this out because this corridor could be a consideration in the proposed MCP EIR/EIS.

Third, the Mid-County Parkway would greatly increase the traffic on the I-15 at Cajalco Road where it is already at or beyond capacity for several hours every day. Ending the MCP at this point would only worsen a choke point on the I-15. If the MCP is extended as suggested by the "On the move" publication by building a proposed corridor to Orange County, it would only serve to move the endpoint of the new corridor to the junction of the 133 and 241 which would then become a new congestion point. This point reinforces the fact that what is needed is not another freeway, but thinking in new directions as suggested above.

Lastly, the Sierra Club wishes to commend RCTC for its participation in the recent and ongoing extensions to the Metrolink system and looks forward to further additions to transit such as light rail and busways.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Perlman".

David Perlman, Chair
Orange County Conservation Committee
Angeles Chapter, Sierra Club



SAN GORGONIO CHAPTER

4079 Mission Inn Avenue, Riverside, CA 92501 (951) 684-6203
Membership/Outings (951) 686-6112 Fax (951) 684-6172

*Regional Groups Serving Riverside and San Bernardino Counties: Big Bear,
Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz.*

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AUG 29 2007

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

August 28, 2007

Ms. Cathy Bechtel
Riverside County Transportation Commission
P.O. Box 12008
Riverside, California 92502-2208

Dear Ms. Bechtel:

Re: Supplemental Notice of Preparation for the Draft EIR/EIS for the Mid-County Parkway Project (SCH#2004111103)

The Moreno Valley Group of the Sierra Club appreciates this opportunity to express some thoughts about the above-named project. All previous comments on this project are incorporated by reference – even the first NOP, when you were upfront about this leading to a tunnel into Orange County. As recently as July 11, the Los Angeles Times published an article connecting Cajalco Road (Mid-County Parkway) to Orange County with a tunnel through the mountains (see attached); and the Press-Enterprise did the same in another July article. In fact I have enclosed your own publication "On the Move" (Sunday, November 12, 2006), which refers to the same tunnel connecting Riverside and Orange counties.

The Sierra Club restates (see our previous NOP letter) that you are segmenting a much larger project – connecting San Jacinto to Orange County with the use of a tunnel. We believe that you must complete a single EIR/EIS on the entire project.

What will be the Level of Service for the intersections at Interstate 215 and the "Mid-County Parkway" (MCP), and Interstate 215 and Highway 91, as well as Interstate 215 between those two interchanges?

Where will you put the horse/large animal crossings, and why?

You need a map of Lake Perris Dam inundation when it is brought back to its historic high levels (see enclosed article). You also need a map of Lake Hemet Dam inundation area. (P.E. 5-27-06)

Social justice issues need to be addressed regarding City of Perris residents vs. Lake Mathews area residents – including all the various combinations of routes. USC and UCLA have proven the health risks to students and the elderly who are within 1500 feet of a freeway. How will this project avoid such health hazards to existing uses? All possible routes must be analyzed.

Direct, indirect, growth-inducing, and cumulative impacts need to be analyzed for all possible routes and combinations of routes.

Greenhouse gas needs to be analyzed, and this must include the development fostered by the growth-inducing results of such a roadway.

How much can you reduce traffic if you use the same amount of money to buy land for open space instead of on all the MCP work to date and until the MCP ultimate build-out? This needs to be an alternative in the DEIR/EIS.

What wetlands and streams/rivers will be affected, and how will you protect them during construction? What structures will be used to cross them?

What amount of farmland and multi-species reserves will be lost and/or degraded as a result of direct, indirect, growth-inducing, and cumulative impacts? What about forest lands?

Explain all harmful impacts and how they will be reduced or eliminated on each possible route combination.

Where are all existing connecting wildlife corridors from each side of the roadway? How will you maintain connectivity? How will you monitor the effectiveness of wildlife corridor usage, comparing the present-day movement to what happens during and after ultimate build-out?

How will you reduce noise without destroying connectivity?

Will bridge extensions be used for wildlife/horses and farm equipment? How will you use culverts, and where will they be used? How will animals know where they are? How will you monitor their use?

How will you control run-off so it does not contaminate groundwater and existing wetland areas?

How will you educate all workers to understand the 100+ species' needs covered by the RC Multi-Species Plan and the nearby reserve systems?

Ramona Expressway is supposed to be a designated scenic roadway. Will it be constructed as such? Will pole signs be prohibited?

How can you justify this as a roadway to move traffic and allow the minimum allowable distance (1 mile) between on/off ramps?

How will Bridge Street fit into the MCP?

The landscape architects' plan needs to be shown -- especially around on/off ramps -- to indicate why the MCP is greener. Will plants/trees be native?

Explain which aspects of "green highways" will be used and which will not.

How will you include ecologically friendly construction materials?

Explain how you will incorporate "context sensitive designs" into the building of the MCP.

How will you protect the multi-species reserves from lighting -- overhead, vehicles, commercial -- and lights from growth-induced housing?

What impacts will lights have on species like the Stephens' Kangaroo Rat and all other species?

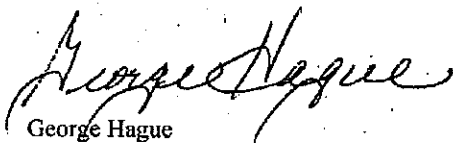
How will on/off ramps impacts local roadways?

All potential geological impacts to the MCP must be analyzed -- including fissures, earthquake faults, and subsidence.

How will you incorporate advanced traveler information systems?

Please include these Sierra Club thoughts in your writing of the DEIR/EIS.

Please use the address below to notify me of all meetings where this item is on the agenda. Please send me all future documents related to this project, including hard copies of all volumes of the DEIR/EIS as well as technical appendices.
Sincerely,



George Hague
Conservation Chair
Moreno Valley Group of the Sierra Club
26711 Ironwood Avenue
Moreno Valley, California 92555-1906
Phone: 951-924-0816
Fax: 951-924-4185

P.S. The Sierra Club strongly recommends that you acquire all buildable land between the Ramona Expressway and the San Jacinto Wildlife Area, a multi-species reserve, to mitigate for some of the direct, indirect, cumulative, and growth-inducing impacts caused by this freeway.

Needed by 2050: decked freeways, tunnels, tolls, trains

By RONG-GONG LIN II
and JEFFREY L. RABIN
Times Staff Writers

Building the roads and transportation infrastructure needed to accommodate Southern California's surging population could cost more than \$100 billion, according to planners, leaving the region's taxpayers with a tough choice ahead.

Local transportation agencies said the Southland's freeways and mass transit need drastic changes to accommodate what state officials project as a 60% increase in the region's population by 2050.

That would probably include

adding upper decks to some Los Angeles County freeways, new rail lines and building freeways or toll roads in places like the Antelope Valley, Orange County and Riverside County.

"We are thinking here of a big system, equivalent to the interstate system," said Hasan Ikhrata, director of planning and policy for the Southern California Assn. of Governments, referring to the freeway-building boom of the 1950s and 1960s that revolutionized American auto traffic.

The population forecast, released Monday by the state Department of Finance, predicted that California's population would swell to nearly 60 million by midcentury. Southern California's population would reach 31.6 million by 2050, up from 19.5 million in 2000.

Some demographers believe that the state will only reach those numbers if it provides adequate public infrastructure. Others worry that the growth will come even without more roads, making congestion worse.

"The Westsiders won't cross the 405. The west San Gabriel Valley people will stay in their little pocket," said Dowell Myers, USC professor of urban planning and demography. "We're going to live and work more in villages."

Politicians and transportation planners have been grappling for decades with how to make road improvements keep up with the rising population — and many admit that they have largely failed. The percentage of highways in the state deemed congested rose from 32% to 43% from 1992 to 2002, according to a California Department of Transportation study, which defines congestion as rush-hour traffic that moves at 35 mph or less.

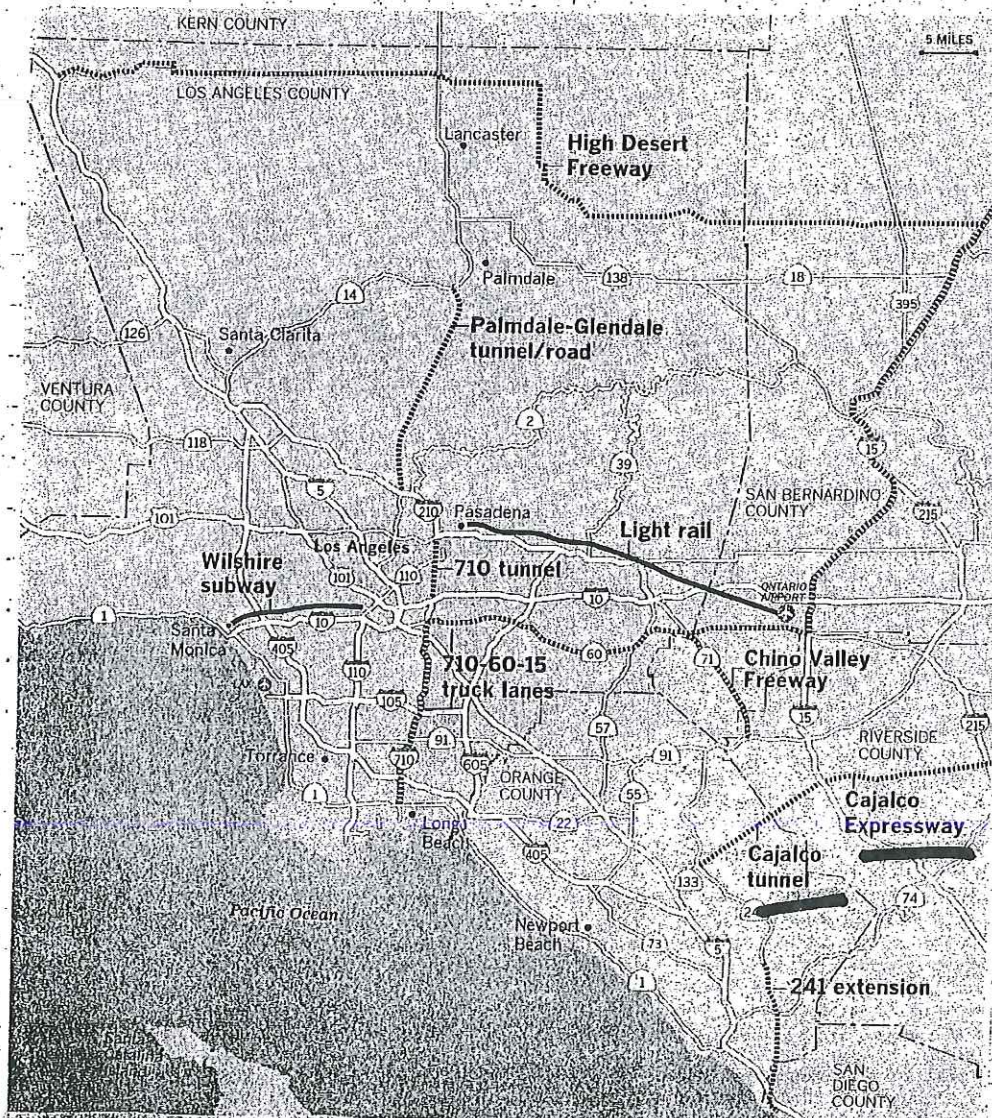
In November, California voters approved a \$19.9-billion transportation bond measure, hailed as a major milestone.

But the planning studies put the bill for keeping congestion in check at \$140 billion in the next 30 years for six Southern California counties.

Paying for the improvements will be difficult. Many counties — including Los Angeles, Orange,

Building for the future

Southern California's freeway and rail systems will need major changes to accommodate what state officials project could be a 60% increase in the region's population by 2050. Here are some projects planned or under consideration.



Los Angeles Times

Wednesday, July 11, 2007

Transit price tag put at \$140 billion

[Transportation, from Page A1]
San Bernardino and Riverside — already have a sales tax for transportation projects.

Many say boosting the gas tax would be the most logical way to collect more revenue. But it is politically unpopular with prices at the pump so high. California and the federal government each impose a gasoline tax of 18 cents a gallon, a rate that has not changed since the early 1990s despite a sharp rise in gas prices. Because the tax has not been adjusted for inflation, California has struggled merely to maintain its existing roads.

And without more roads, "we will be in a serious congestion crisis from the Oregon border to Mexico," said Eric Haley, executive director of the Riverside County Transportation Commission.

One reason the potential fixes cost so much is that there is so much less raw land than there was in the 1950s. As a result, officials must go to great lengths to engineer new roadways.

■ Several of the routes considered most crucial by traffic planners require tunneling under neighborhoods or mountains. These include extending the 710 Freeway through South Pasadena, creating a link under the Santa Ana Mountains from Riverside to Orange counties and boring a tunnel from the Los Angeles Basin through the San Gabriel Mountains into the Antelope Valley.

■ Los Angeles County has the most severe land crunch, so officials say the only way to significantly improve capacity is to double-deck freeways. A portion of the 110 Freeway in South L.A. is a model, allowing carpools and buses in special elevated lanes.

■ Toll roads are gaining new attention because officials could use future revenues to borrow money to build the highways. Officials have talked about an expressway connecting the fast-growing high desert regions of Los Angeles and San Bernardino counties, and construction is almost completed on a 10-mile toll road east of San Diego.

■ The surge in Riverside County's population — expected to leapfrog Orange and San Diego counties and become the No. 2 county in the state — also means the many assumptions about transportation need to be

revised. Ikhata said north-south roads that connect far-flung suburbs in the Inland Empire are needed, rather than the traditional east-west roads that connect those suburbs to Los Angeles.

Besides moving the growing number of commuters to work, government planners predict a

400% increase in cargo movement over the next 30 years, further taxing the freeway system and probably requiring truck-only toll lanes on heavily traveled routes such as the 710, 60, 5, 10 and 15 freeways.

Planning is just beginning for a toll road system for trucks that would cover the heavily traveled

route from the ports of Los Angeles and Long Beach to the warehouses and logistics facilities of the Inland Empire, from which cargo is distributed across the United States.

"Do we have the political willingness to come out and say this is needed for the state? That, unfortunately, we are going to

charge some people for it but it has to be done?" Ikhata said. "Look, if we're really going to have 60 million people in California, you need these lanes and you need more. You need to accommodate growth, period, unless you're OK driving 5 mph."

Yet, major freeway expansion will be difficult. Any effort to greatly expand the capacity of urban freeways in Los Angeles is likely to run into a buzz saw of opposition from environmentalists and homeowners who don't want more auto traffic and exhaust in their backyards.

In Orange County, plans to build a 16-mile toll road through San Onofre State Beach has sparked opposition from environmentalists and surfers.

And decades of opposition from South Pasadena has stalled Caltrans from completing the missing link of the 710 Freeway, which would offer trucks on the Long Beach Freeway an alternate route to the Central Valley or the Inland Empire.

Now, Caltrans and the MTA are studying a multibillion-dollar tunnel, an idea that continues to run into opposition from some South Pasadenans.

The 710 Freeway fight underscores the debate across the region about how transportation agencies use the money they have.

In Los Angeles County, for example, a 1 cent per \$1 sales tax goes mostly to pay for mass transit, operating buses and rail lines. The Metropolitan Transportation Authority is building two lines, one to Culver City and the other to East L.A. And Mayor Antonio Villaraigosa is pushing for a \$5-billion subway along Wilshire Boulevard.

Other counties have focused more resources from their sales taxes on road expansion. But officials are quick to point out that those revenues only go so far.

"We already are struggling to meet the demand of the current population, and so adding to that is definitely going to be a big hurdle," said Cheryl Donahue, spokeswoman for San Bernardino Associated Governments.

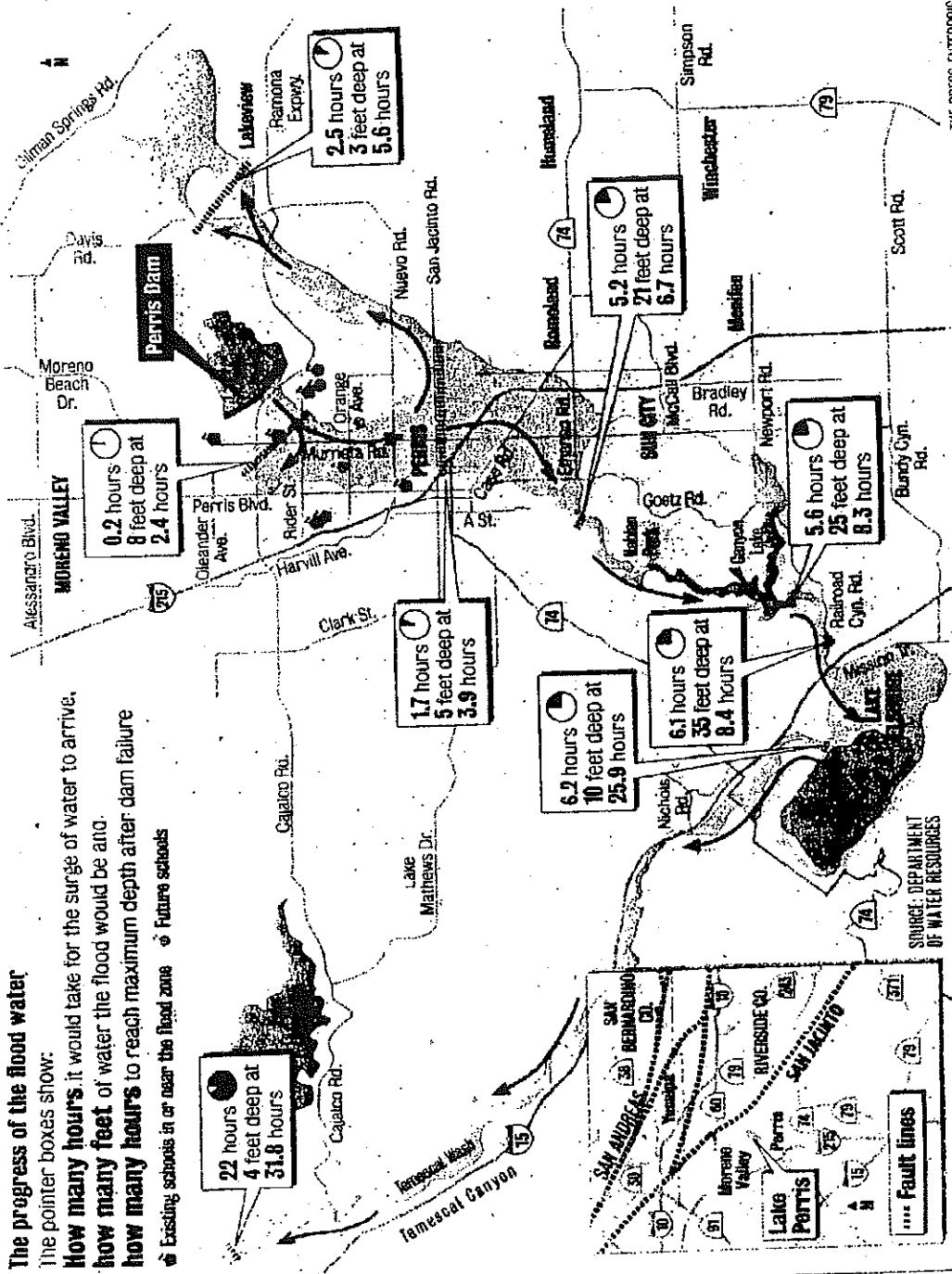
ron.lin@latimes.com
jeff.rabin@latimes.com
Times staff writers Jonathan
Abrams, Maria L. La Ganga and
Sara Lin contributed to this
report.

WORST-CASE SCENARIO: If a powerful earthquake caused Lake Perris' dam to fail and unleash all of the water, the flood would cover a wide area even at the lake's lowered level.

The progress of the flood water

The pointer boxes show:

- How many hours** it would take for the surge of water to arrive,
 - how many feet** of water the flood would be and,
 - how many hours** to reach maximum depth after dam failure
- Existing schools in or near the flood zone • Future schools



PERRIS: Flood-warning system will call residents' cell phones

THE PRESS-ENTERPRISE



Flood of Concern

Riverside County is updating warning and response plans in case an earthquake destroys the dam holding back Lake Perris

10:53 AM PDT on Saturday, May 27, 2006

By JENNIFER BOWLES
The Press-Enterprise

When Jackie Burnip looks out her kitchen window, a sliver of the imposing 2-mile-long earthen dam that holds back billions of gallons of water in Lake Perris looms above a flowering purple bush in her backyard.

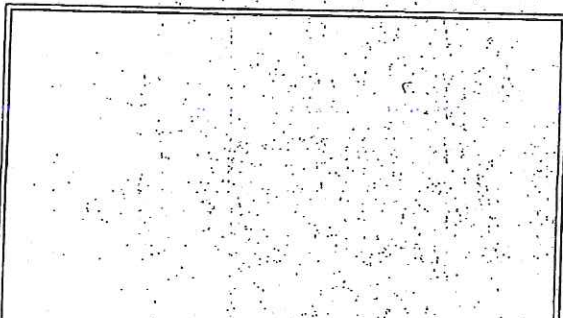
It's a daily reminder, she says, of what state engineers announced last summer: Perris Dam might not withstand a powerful earthquake on the order of magnitude 7.5.

Although the popular swimming and boating lake has been lowered to what state engineers say is a safe level, a worst-case flood map generated by the state shows that a complete failure of its dam would unleash some 26 billion gallons of water across 30,000 acres of fast-growing western Riverside County, from rural Lakeview to the Prado Dam by Corona.

"What bothers me most is when an airplane flies close by and it kind of rumbles and what I say is, 'Oh God, please don't let that be an earthquake,'" she said.

"I'm not paranoid, but I think of the 'what ifs,'" Burnip said.

In the wake of Hurricane Katrina and deadly tsunamis, Burnip says she wants to be prepared for the worst scenario despite assurances by the state.



Riverside County, meanwhile, is carving out evacuation routes targeted to some 15,000 residents who live near the dam, said Phil McCormick, a Riverside County emergency services coordinator. That plan, he said, should be released by late August.

Burnip, as a native of quake-prone California, knows that if a quake strikes the nearby San Jacinto or San Andreas -- two of the state's most dangerous faults, which scientists say could be overdue for

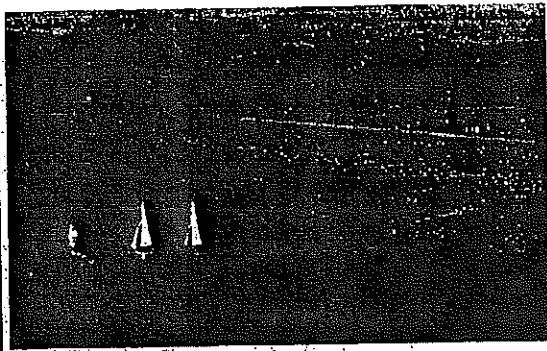
Worst-Case Scenario

If Perris Dam failed in a powerful earthquake on the San Jacinto or San Andreas faults, and emptied the Lake:

Some 26 billion gallons of water would inundate 30,000 acres in western Riverside County.

The flood would be 3 feet to 35 feet deep.

The water would arrive at Prado Basin near Corona in 22 hours.



Terry Pierson / The Press-Enterprise
Perris Dam, which needs repairs, could unleash 26 billion gallons of water over 35 miles of Riverside County. Officials say it might not withstand a 7.5-magnitude quake.

major temblors -- she should stay in her house under a doorway or table.

But the potential for a devastating flood poses a whole different scenario for her, her son and granddaughter, and her three pets.

"Should I put a rowboat on my roof or what?" asked Burnip.

Lowering the Risk

With repairs to the foundation taking as long as six years once they begin and debate continuing whether to enlarge the drinking-water reservoir, empty it altogether permanently or return it to normal level, the state lowered the water level at Lake Perris by 25 feet last November. Repair costs are unknown, but officials estimate it could reach

millions of dollars depending on the solution.

In the event of a powerful earthquake, computer models show that sandy pockets in the dam's foundation might cause the dam to slump, but no more than 19 feet, which is still some 18 feet above the lowered lake level.

"Based on our engineering analysis, it would not overtop this damaged dam," said Richard Sanchez, principal engineer for the California Department of Water Resources, which owns and operates the dam.

Riverside County emergency preparedness workers, meanwhile, are updating six-year-old emergency response plans for Perris Dam and 46 others in the region. The plan for Lake Mathews, near Riverside, has already been completed and there are no known seismic issues with any other dam besides Perris, said McCormick.

Once the issues with Perris Dam surfaced last summer, the county waited for the state to update an inundation map that takes into account the lake's lower level and new buildings in the region that could affect the water's direction.

Related

Video: Perris resident Jackie Burnip discusses the lack of evacuation procedures

Graphic: Worst-Case Scenario

According to that map, a total release of the lake's water -- an amount equal to 80,000 football fields each topped with one foot of water -- would flood some 35 miles of a region where new homes are fast replacing farmland.

Deep and Widespread Flow

Gravity driven, the water would reach depths of 8 feet as it moves through Perris and up to 21 feet as it's squeezed between steep canyons on its way to ritzy Canyon Lake. It would get as deep as 35 feet as it moved through Railroad Canyon toward Lake Elsinore before heading north beside Interstate 15 to Prado Basin near Corona.

A shallower wave of up to 3 feet would swing southeast around Lake Perris, reaching the Nuevo and Lakeview areas in less than three hours.

McCormick said the map is good in that it helps the county plan for the worst, but bad in that residents who are in the flood path might evacuate even if the amount of water released from the lake is too small to reach them.

"It can also become very chaotic as an overreaction type thing," he said.

McCormick said the residents should listen to the radio and watch TV for news if possible in the event of a disaster. A reverse 911 system will be in place in about nine months that can also reach cell phones registered at the county's Web site.

The evacuation plan will focus on Perris, he said. Canyon Lake and Lake Elsinore will have a buffer of at least five hours under the worst-case scenario.

For now, McCormick said, "Our generic comment is ... if you're close to the dam and feel a big earthquake you need to get in your car and go west of (Interstate) 215 or into southern Moreno Valley or below Highway 74."

He said the county is tallying how many residents and commercial buildings could be affected by the worst-case scenario.

McCormick said, depending on the amount spilled from the lake, some of the water would be absorbed in the dry lakebed area of Lake Elsinore.

He said one of the more difficult variables is how much debris the water would carry and how that would change the flow. But unlike in Hurricane Katrina, he said, the water is expected to keep on flowing downhill.

No Earthquake Season

The lake and its dam sit about five miles west of the San Jacinto Fault, and about 20 miles from the San Andreas, the longest fault in the state.

"If you sort of hang around geologists, there's a fair amount of concern for the San Jacinto and southern San Andreas," said Susan Hough, a U.S. Geological Survey seismologist.

"Neither one of them has had a big quake for 300 years. ... They've been locked up for a while." And while they could be quiet for another 50 years, she said, "One of these days there's going to be something large on one of these faults."

Hough said she's pleased officials appear to be taking the Perris Dam issue seriously. In 1971, she said, the magnitude-6.7 Sylmar quake in Northern Los Angeles County damaged the lower Van Norman Dam, also an earthen structure, prompting fear it would collapse.

"The dam held, but barely ... and it wasn't even a huge earthquake," she said.

Hough said it's impossible to predict quakes, and because they don't have seasons as do hurricanes and tornados, being prepared is important.

Hough noted that most single-family homes don't collapse during a large earthquake. "But large amounts of water are a scary thing," she said.

Burnip, 66, moved to Perris to retire three years ago after living and working in the Los Angeles area.

"As stupid as it might sound," she said, "I did not know that was the dam to the lake when I moved here. I came from LA, and I was excited to see my home built."

Barratt American, developer of the Villages of Avalon neighborhood where Burnip lives, now issues a one-page disclaimer to every homebuyer about the dam's potential seismic risk, according to a statement issued by Michael Pattinson, president and chief executive officer of the Carlsbad-based company.

Pattinson said the news of the dam's possible instability hasn't decreased home sales.

Most Schools Appear Safe

The map also shows that most schools in the Perris area are outside of the inundation map, although a couple of future campuses are inside, including the much-needed Eastside High School to be built in an area of mushrooming population.

Fred Workman, superintendent of the Perris-based Val Verde Unified School District, said all school sites are approved by the California Department of Education, and if a site is near a dam, it is raised with extra dirt to allow water to recede and kids to remain safe.

"It's a natural concern," he said. "You look up from some of our campuses and Lake Perris looms very large."

Perris Councilman Mark Yarbrough said the city is looking forward to seeing the county's evacuation plans, although he said floods might not matter after a powerful quake takes its toll.

"We'll incorporate these considerations ... that God willing we never have to," he said. "But if we're not prepared for it, we're not doing our jobs."

Reach Jennifer Bowles at 951-368-9548 or jbowles@PE.com

Online at: http://www.pe.com/localnews/inland/stories/PE_News_Local_M_flood27.3cbaa20.html

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Lynn Durrett

Area Cable Project Engineer

81273 CB, HS,
MM, GQ

August 3, 2007

RECEIVED
AUG 06 2007

RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

Riverside County Transportation Commission
4080 Lemmon Street 3rd Floor
PO Box 12008
Riverside, Ca.
92501

Attention: Ms Cathy Bechtel

**SUBJECT: NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENT IMPACT
REPORT/ENVIRONMENTAL IMPACT STATEMENT REPORT (EIS/EIR) FOR THE
MID COUNTY PARKWAY PROJECT, SCH#2004111103**

Dear Ms. Bechtel

In regard to the above-mentioned project, we have no facilities within your proposed project and no future plans for any.

Thank you for your cooperation. If you have any more questions please call me at 909-873-8022.

Sincerely

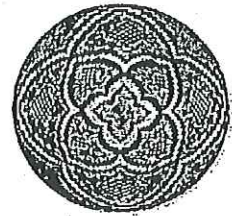
Lynn Durrett
Area Cable Project Engineer

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P2302

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



December 10, 2007

RECEIVED
DEC 11 2007
RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

82454 CB, GQ,
MM, HS

Ms. Cathy Bechtal
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA, 92502-2208

**RE: Supplemental Notice of Preparation for the Draft EIR/EIS for the Proposed
Mid County Parkway, Riverside County, CA**

Dear Ms. Bechtal:

The Agua Caliente Band of Cahuilla Indians appreciates your efforts to consult with the Agua Caliente Tribal Historic Preservation Office, pursuant to the National Historic Preservation Act (NHPA). Although the project area is beyond both Agua Caliente Indian Reservation Lands and the Traditional Use Area of the Tribe we have general concerns regarding the treatment and protection of historical resources within the proposed project area. Therefore we recommend the following:

1. An Archaeologist and Approved Cultural Resource Monitor(s) must be present during any ground disturbing activities by the developer and/or any archaeological testing. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified (Secretary of the Interior's Standards and Guidelines) Archaeologist to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Officer.
2. Additionally, in accordance with State law, the County Coroner should be contacted if any human remains are found during earthmoving activities. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The County shall work with the designated MLD to determine the final disposition of the remains.

The Tribe is commenting to ensure that Native American viewpoints are considered. Please defer to Tribes which are located in close proximity for further consultation. Please consider this letter as fulfilling the consultation requirements under the NHPA. If you have questions or require additional information, please do not hesitate to call me at (760) 699-6907. You may also email me at ptuck@aguacaliente.net.

Thank you,

Patricia Tuck
Archaeologist
Tribal Historic Preservation Office
**AGUA CALIENTE BAND
OF CAHUILLA INDIANS**

c: Agua Caliente Cultural Register
X:\CONSULTATIONS Letters\2007\External\Off Reservation\RCTC_MidCountyPkwY_12_10_07

B.1.9.2.1



4080 Lemon Street, 3rd Floor • Riverside, CA
Mailing Address: P. O. Box 12008 • Riverside, CA 92502-2208
(951) 787-7141 • Fax (951) 787-7920 • www.rctc.org

July 30, 2007

Agua Caliente Band of Cahuilla Indians
Richard Begay, Tribal Chair
5401 Dinah Shore Drive
Palm Springs, CA 92264

Subject: Supplemental Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway Project, SCH#2004111103

Dear Responsible Agencies, Elected Officials, and Interested Parties:

Attached for your review and comment is the Supplemental Notice of Preparation (NOP) for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Mid County Parkway (MCP) Project. The Riverside County Transportation Commission (RCTC) is the Lead Agency for the proposed project.

Since November 2004, when the original NOP was issued for the proposed MCP project, the RCTC has been conducting engineering and environmental studies in support of the Draft EIR/EIS for the project. In addition, RCTC has also engaged in ongoing consultation with various public agencies and other interested parties. As a result of these technical studies and public consultation efforts, several refinements have been made to the suite of alternatives presented in the November 2004 NOP.

The purpose of this Supplemental NOP is to describe the refinements made to the suite of alternatives, solicit input regarding the scope and content of the analysis in the Draft EIR/EIS, and describe the probable environmental impacts that the Draft EIR/EIS will evaluate. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15060 and 15063, an Initial Study is not required and is not included with this NOP. Because federal environmental approval under the National Environmental Policy Act (NEPA) is also required, a joint EIR/EIS will be prepared. The Federal Highway Administration is the lead federal agency for the EIS.

The RCTC would appreciate your comments, suggestions, or concerns regarding potential environmental impacts related to the proposed project. The Web site (www.midcountyparkway.org) offers additional information about the project. Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice. Please submit your comments by **August 31, 2007**. In your response, please note the primary contact person for your agency or organization. Written comments regarding the Supplemental NOP may be sent via regular mail or fax to the following: